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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
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8 DENNIS LAMAR JAMES, JR.,

No. C 13-011 SI (pr)

9 Plaintiff,

SCHEDULING ORDER

10 v.

11 OAKLAND POLICE DEPT.; et al.,

12 Defendants.
13 _____/

14 In this *pro se* civil rights action, plaintiff has sued several Oakland police officers and the
15 City of Oakland for the use of excessive force during his arrest on February 19, 2012, and has
16 sued several doctors for deliberate indifference to his medical needs during his hospital visit after
17 his arrest. In a separate order filed today, the court has lifted the stay of this action that has been
18 in place since July 1, 2014. *See* Docket # 39. It is now time to resume efforts toward the
19 resolution of plaintiff's claims.

20 At the time this action was stayed, several things were in progress: First, plaintiff needed
21 to file an amended complaint with regard to the claim against Dr. English, Dr. Adler, and Dr.
22 Kang (collectively, the "doctor-defendants") because the court had granted their motion to
23 dismiss for failure to state a claim. Second, Dr. Liu had filed a motion for summary judgment
24 as to which plaintiff had not yet filed an opposition. Third, the law enforcement defendants had
25 filed an answer but had not yet filed a dispositive motion. The court now sets the following
26 schedule, with the amendment to the complaint due first because it requires little or no legal
27 research:
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1 A. Amendment to Complaint:

2 1. The clerk will send to plaintiff a copy of the order of service, the "order (1)
3 granting doctor-defendants' motion to dismiss and (2) addressing scheduling matters," and his
4 complaint. Docket # 6, # 35 and # 38.

5 2. No later than **June 5, 2015**, plaintiff must file an amendment to his complaint, in
6 which he cures the deficiencies discussed in the order granting the doctor-defendants' motion to
7 dismiss, Docket # 35. Plaintiff should file an amendment to his complaint rather than an
8 amended complaint because he only needs to fix one part of the complaint. An amendment to
9 the complaint will be read together with the complaint, whereas an amended complaint would
10 supersede the original complaint and any claim not repeated therein would be dismissed. Failure
11 to file an amendment by the deadline will result in the dismissal of Dr. English, Dr. Adler, and
12 Dr. Kang.

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14 B. Dr. Liu's Motion For Summary Judgment

15 1. No later than **May 18, 2015**, Dr. Liu must file and serve his motion for summary
16 judgment.¹ At the time he serves his motion for summary judgment, Dr. Liu must also serve on
17 plaintiff (but need not file with the court) a copy of each and every statute, rule and case cited
18 in his memorandum of points and authorities in support of his motion for summary judgment.

19 2. No later than **June 26, 2015**, plaintiff must file and serve on defense counsel his
20 opposition to Dr. Liu's motion for summary judgment. In preparing his opposition, plaintiff is
21 cautioned to read the notice and warning about motions for summary judgment at pages 5-6 of
22 the order of service.

23 3. No later than **July 10, 2015**, Dr. Liu must file and serve his reply brief, if any.
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27 ¹Upon staying this action, the court dismissed Dr. Liu's motion for summary judgment
28 without prejudice to Dr. Liu refiling it after the stay was lifted. *See* Docket # 39 at 2-3. For
docketing purposes, he needs to file the motion again, even if it is a copy of the originally-filed
motion.

1 C. Law Enforcement Defendants' Dispositive Motion

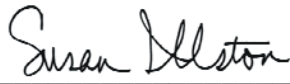
2 1. No later than **June 26, 2015**, the law enforcement defendants (including the
3 municipality) must file and serve their motion for summary judgment. At the time they serve
4 their motion for summary judgment, the law enforcement defendants must also serve on plaintiff
5 (but need not file with the court) a copy of each and every statute, rule and case cited in their
6 memorandum of points and authorities in support of his motion for summary judgment.

7 2. No later than **July 31, 2015**, plaintiff must file and serve on defense counsel his
8 opposition to the law enforcement defendants' motion for summary judgment.

9 3. No later than **August 14, 2015**, Dr. Liu must file and serve his reply brief, if any.

10 IT IS SO ORDERED.

11 Dated: May 5, 2015



SUSAN ILLSTON
United States District Judge